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*Attorneys for Plaintiff Lars Jensen*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

LARS JENSEN, an individual,

*Plaintiff,*

v.

NATALIE BROWN, in her individual and official capacities as Administrative Officer at Truckee Meadows Community College; JULIE ELLSWORTH, in her individual and official capacities as Dean of Sciences at Truckee Meadows Community College; ANNE FLESHER, in her individual and official capacities as Dean of Math and Physical Sciences at Truckee Meadows Community College; KARIN HILGERSOM, in her individual and official capacities as President of Truckee Meadows Community College; MARIE MURGOLO, in her individual and official capacities as Vice President of Academic Affairs at Truckee Meadows Community College; MELODY ROSE, in her

Case No. 3:22-cv-00045-ART-CLB

**REQUEST FOR JUDICIAL NOTICE IN  
SUPPORT OF PLAINTIFF'S  
RESPONSE IN OPPOSITION TO  
DEFENDANTS' MOTION TO DISMISS  
THE FIRST AMENDED COMPLAINT**

individual and official capacities as Chancellor  
of the Nevada System of Higher Education,

*Defendants.*

Plaintiff, LARS JENSEN, by and through his undersigned counsel, hereby request,  
pursuant to Rule 201 of the Federal Rules of Evidence, that this Court take judicial notice of the  
following items in connection with Plaintiff's Response in Opposition to Defendants' Motion to  
Dismiss the First Amended Complaint:

1. Exhibit A: Plaintiff David Demers, Complaint Exhibit A, *Demers v. Austin, et al.*,  
Case No. 2:09-cv-00334-RHW (E.D. Wash.)(hereinafter "*Demers v. Austin*") ECF  
No. 1-2.
2. Exhibit B: Arthur E. Bester, *Aimlessness in Education*, The Scientific Monthly, Vol.  
75, No.2 (Aug. 1952), pp. 109-116. Published By: American Association for the  
Advancement of Science.
3. Exhibit C: Letter to Plaintiff Lars Jensen from Mark Criley, Senior Program Officer  
at the American Association of University Professors on October 21, 2021.  
(attachments included).
4. Exhibit D: Letter to President Hilgersom from Joshua Bleisch, Faculty Legal Defense  
Fund Fellow, at the Foundation for Individual Rights in Education (hereinafter  
"FIRE") on October 1, 2021.
5. Exhibit E: Letter to President Hilgersom from Keith Whittington, Chair of the  
Academic Committee at the Academic Freedom Alliance on October 22, 2021.

This Court may take judicial notice of a fact if it is “generally known within the territorial jurisdiction of the trial court” or “capable of accurate and ready determination by resort to sources whose accuracy cannot be reasonably questioned, so that the fact is not subject to reasonable dispute.” Fed. R. Evid. 201. Further this Court may also take judicial notice of documents that are incorporated by reference in the plaintiff’s complaint, although not attached, to a complaint if: (1) the complaint refers to the document, (2) it is central to the plaintiff’s claims, and (3) the authenticity of the document is not disputed. *United States v. Corinthian Colleges*, 655 F.3d 984, 999 (9<sup>th</sup> Cir. 2011).

Exhibit A is a court record from *Demers v. Austin*, which is an undisputed public record since it was filed in federal court. Exhibit B is a published academic paper that was the subject of the litigation in *State ex rel. Richardson v. Board of Regents*, 70 Nev. 144 (1954). Exhibits C through E are documents incorporated by reference in Plaintiff’s First Amended Complaint (ECF No. 8) and they are generally known within the territorial jurisdiction of this Court since they were either published by, quoted in, or linked to in the following: (1) *This is Reno*, (2) *Nevada Independent*, (3) *Academe*, or (4) the FIRE website. Further, this Court may take judicial notice of information contained in news stories “as an indication of what is in the public realm.” *Von Saher v. Norton Simon Museum of Art of Pasadena*, 592 F.3d 954, 960 (9<sup>th</sup> Cir. 2010); *Heliotrope Gen., Inc. v. Ford Motor Co.*, 189 F.3d 971, 981 (9<sup>th</sup> Cir. 1999).

Links to each of the above can be found in full below:

<https://www.thefire.org/fire-letter-to-truckee-meadows-community-college-october-1-2021/>

<https://thenevadaindependent.com/article/math-curriculum-fight-spotlights-college-faculty-discipline-disputes>

1 [https://thisisreno.com/2021/10/higher-ed-faculty-interested-tmcc-alleged-academic-](https://thisisreno.com/2021/10/higher-ed-faculty-interested-tmcc-alleged-academic-freedom-violations/)  
2 [freedom-violations/](https://thisisreno.com/2021/10/higher-ed-faculty-interested-tmcc-alleged-academic-freedom-violations/)

3 <https://academeblog.org/2021/11/03/in-defense-of-lars-jensen-part-1/>

4 In sum, the above items meet the requirements of Rule 201 of the Federal Rules of  
5 Evidence, and therefore, the Court must take judicial notice of them pursuant to Rule 201(c)(2).  
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7 DATED: April 13, 2022

8 Respectfully submitted,

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